

### **REMARKS**

Claims 15, 20, 21 and claims 31 to 33 and 35 (formerly numbered claims 30 to 32 and 34), and therefore claims 14, 17 to 19, 22 to 26, 28 to 30, and 34 are currently pending in the present application.

In view of this response, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

As to the informality objections as to claims 30 to 34 – and as suggested by the Examiner -- original claim 30 is now again listed (since it was never canceled) and previously added claims “30 to 34” have been renumbered as claims 31 to 35. It is therefore respectfully requested that the objections be withdrawn.

Applicants thank the Examiner for indicating that formerly numbered claims 30 to 34 (renumbered claims 31 to 35) contain allowable subject matter. While the objections may not be agreed with, to facilitate matters, claim 14 has been rewritten to include the features of allowable claim 31, which is canceled without prejudice. As to claim 31 (formerly “claim 30” in the prior response), it has been canceled, since its features have been included in base claim 14. Claims 32, 33 and 35 are canceled since their features are reflected in claims 23, 24 and 26, which depend from claim 14, as presented. Claims 15, 20, 21 and claims 31 to 33 and 35 (formerly numbered claims 30 to 32 and 34) are canceled without prejudice.

Accordingly, claims 14, 17 to 19, 22 to 26, 28 to 30, and 34 are allowable. It is therefore respectfully requested that the objections be withdrawn.

With respect to paragraph four (4) of the Office Action, claim 14 was rejected under 35 U.S.C. § 103(a) as unpatentable over Mason et al., “A Generic Multielement Microsystem for Portable Wireless Applications” (the “Mason” reference), in view of U.S. Patent Application Publication No. 2002/0051225 (the “Karasawa” reference).

To reject a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine

reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Also, as clearly indicated by the Supreme Court in *KSR*, it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. *See KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007). In this regard, the Supreme Court further noted that “rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, at 1396. Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

While the obviousness rejections may not be agreed with, to facilitate matters, claim 14 has been rewritten to include the features of allowable claim 31, which is canceled without prejudice. As to claim 31 (formerly “claim 30” in the prior response), it has been canceled, since its features have been included in base claim 14. Claims 32, 33 and 35 are canceled since their features are reflected in claims 23, 24 and 26, which depend from claim 14, as presented. Claims 15, 20, 21 and claims 31 to 33 and 35 (formerly numbered claims 30 to 32 and 34) are canceled without prejudice.

Accordingly, claims 14, 17 to 19, 22 to 26, 28 to 30, and 34 are allowable. It is therefore respectfully requested that the obviousness rejections be withdrawn.

With respect to paragraph five (5) of the Office Action, claims 14, 15, and 17 to 26 were rejected under 35 U.S.C. § 103(a) as unpatentable over Mason et al., “A Generic Multielement Microsystem for Portable Wireless Applications” (the “Mason” reference), in view of U.S. Patent Application Publication No. 2002/0194548 (the “Tetreault” reference).

With respect to paragraph six (6) of the Office Action, claims 28 and 29 were rejected under 35 U.S.C. § 103(a) as unpatentable over the “Mason” reference, in view of the “Tetreault” reference, and further in view of U.S. Patent Application Publication No. 2002/0173930 (the “Perner” reference).

While the obviousness rejections may not be agreed with, to facilitate matters, claim 14 has been rewritten to include the features of allowable claim 31, which is canceled without prejudice. As to claim 31 (formerly "claim 30" in the prior response), it has been canceled, since its features have been included in base claim 14. Claims 32, 33 and 35 are canceled since their features are reflected in claims 23, 24 and 26, which depend from claim 14, as presented. Claims 15, 20, 21 and claims 31 to 33 and 35 (formerly numbered claims 30 to 32 and 34) are canceled without prejudice.

Accordingly, claims 14, 17 to 19, 22 to 26, 28 to 30, and 34 are allowable. It is therefore respectfully requested that the obviousness rejections be withdrawn.

Withdrawal of the obviousness rejections of the claims is therefore respectfully requested.

In sum, claims 14, 17 to 19, 22 to 26, 28 to 30, and 34 are allowable.

#### CONCLUSION

It is therefore respectfully submitted that all of the presently pending claims are allowable. It is therefore respectfully requested that the rejections and objections be withdrawn, since all issues raised have been addressed and obviated. An early and favorable action on the merits is therefore respectfully requested.

Respectfully submitted,

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Dated: 3/25/2010

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